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# The Draft Riots of 1863

A HISTORICAL STUDY

READ AT THE MEETING  
OF

The Ohio Commandery  
Military Order  
OF THE  
..Loyal Legion..  
Of the United States

April 5, 1916



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# The Draft Riots of 1863.

*Commander and Companions—*



STUDY of the attempt of the United States Government to raise troops for the prosecution of the war for the preservation of the Union, in 1863, by conscription or draft, with the resistance offered in some of the large cities, is profitable not only as recalling a striking episode of the war, but for the light it throws upon the attitude of the democratic mind on both sides of the Atlantic with regard to compulsory service of the nation by its male citizens.

When we hear, as is often the case, certain jeers at the alleged lack of patriotism of Englishmen in opposing the reinforcement of the armies which, as most intelligent people of Great Britain believe, are battling for the liberties of their country and of the larger part beside of civilized Europe, in the great war which is being waged in Central Europe, Asia and Africa, by refusing their assent to the enactment of legislation which shall compel men of the military age to take their places in the ambattled ranks, it should silence our criticism when we are reminded that in a crisis of our own national life, in the midst of a war in which all sensitive Americans felt that as vital issues were at stake as in any of the armed struggles of history, the trial of a substitute method of recruiting our depleted armies for the unsatisfactory process of volunteering, met with such open or silent resistance that practically the legislation became a dead letter in the beginning of its application.

The English Government is now in the process of conscripting a limited class of its eligible military subjects; but a general conscription such as the war leaders declare to be imperatively necessary has thus far received such opposition from the people that the authorities hesitate to undertake it, at least until the question of national life or death becomes so urgent that the popular mind will no longer dare to protest.

It seems probable that this English measure for enforcing the enrollment of citizens will result in a considerable increase of all the Allied armies; but the same effect can not be reported of our

own experiment of compelling our men to enlist; for the results as reported by the authorities were comparatively insignificant.

In the outset of our American interest in the present European struggle I chanced to talk, in the street car, with a fellow passenger who soon disclosed that his German ancestry had made him a violent partisan of Germany in the contest. Diverging from an unprofitable discussion in that direction, I incidentally spoke of the different modes of recruiting an army in the old world and our own country, and remarked that our people seemed hostile to anything like enforced service.

"Yes," he answered, "I would resist it too"; a reply which might be construed variously as indicating that he was imperfectly assimilated in his loyalty to the United States or that he had too thoroughly absorbed the temper of a good many of his American fellow citizens of other than Teutonic birth.

Unhappily, it has to be recorded by the historian that the larger portion of such open resistance as our own government encountered in its drafting in 1863 was from recent comers from the old world, who apparently feared that their adopted land of freedom was in danger of reviving the principles of absolutism from which they or their fathers had sought to escape.

The early summer of 1863 was a time of much depression of spirit on the part of all lovers of the Union, but especially of the heads of the nation, who knew the conditions, as few of the spectators could appreciate the dangers to the successful prosecution of the war, which had continued for two years with scarcely any decisive blow against the armed forces of the insurgent South.

To be sure, Farragut, in the spring of 1862, had captured New Orleans, and before the close of the summer of 1863 by the fall of Vicksburg and Port Hudson, the Mississippi would be open to navigation of the Union fleet; in Lincoln's words, "The father of waters would flow unvexed to the sea."

But on most other fields only failure for the Union could be recorded.

Stone River, or Murfreesborough, had resulted in practically a drawn battle, with no essential damage to the Confederates, who withdrew further south to prepare for a long-continued farther resistance.

The Army of the Potomac had been defeated, largely on account of the incompetency of its generals in chief—in the Peninsula of Virginia under McClellan, in the Manassas region under Pope, and at Fredericksburg under Burnside in December,

1862. after a partial but indeterminate success at Antietam in September. Grant had been steadily thwarted in his attempts to break into Vicksburg; John Morgan, in the summer of 1863, to show his belief that Indiana and parts of Ohio were so honeycombed with disloyalty that he could lead his cavalymen anywhere into the fruitful foraging fields of the North, had made his foray around Cincinnati, which, as we now know, proved disastrous to him, but the tidings of his capture were slow to travel over the country. Chancellorsville in May, 1863, by its blow to the justifiable expectations of the nation, in the defeat and enforced return to their old camps around Stafford Court House, of Hooker's army, had opened the door for Lee's invasion of Pennsylvania, whose issue was to be determined only in midsummer.

What was imperatively wanted, if the Union was to be maintained, was a large reinforcement of its armies; such an increase in numbers, led, if the officers could be found (which also was a serious problem) by capable generals, as would hasten the long-drawn-out process of ending the insurrection.

But far from there being any such reinforcement in sight, immediately after Chancellorsville, there had been a considerable disbandment of the tried troops.

Under the makeshift policy which the reliance upon volunteering had compelled, which accepted regiments for short terms of three, nine or twelve months, instead of for three years or the continuance of the war, some 87,000 nine and twelve-months men went out of service immediately after Chancellorsville, in May.

Hooker's army bore upon its rolls in April, at the opening of the campaign, upwards of 120,000 men of all arms. May 13 he reported that he could muster only 80,000.

While this process of depletion was going on, the Confederacy was tightening its conscription machinery, so that Lee upon his march into Pennsylvania received considerable reinforcements of these recruits.

The Confederacy was making heroic efforts for success; the North was making money, and its citizens could find more profitable occupation than enlistment, which in the early months of the war had been resorted to by a good many of the volunteers because times were hard and occupations difficult to get. If there was much patriotic ardor in those beginnings it often had the balance sent down in favor of going to the war by the sordid fact that the army pay was the only ready money in sight.

As the war went on and business all over the North was thriving, the disposition to enlist for the front of war diminished;

towns furnished their quota, which the state authorities pleaded with them to provide in order to make up the new regiments which were apt to be formed, instead of filling the old regiments, by paying large bounties, in many cases, it was credibly rumored recruits receiving \$1,000 or even larger sums.

The *bounty jumper* sprang into history; he who takes a bounty from one claim agent (for there arose a professional class of intermediaries between town and recruits, known as claim agents), is sent on his way to the army, deserts en route, returns disguised to enlist under another agent, and so continues the process.

And upon all the obstructions to the progress of the war was heaped another ignominious element, the rise of a *peace-at-any-price* party, composed to some extent of the politicians who were in opposition to the party which the national administration was supposed to stand for, and further made up of sympathizers with the South (in every national war there will be large numbers of citizens whose loyalty is warped by some family sentiment, some feeling that war might have been prevented with the exercise of a more generous spirit of concession); this advocacy of peace drawing to itself the not inconsiderable classes upon whom in one and another way the war pressed, who were tired of war or who had never grasped the idea that a great principle of human liberty and justice was at stake; an irrepressible conflict between two types of government and of social organization, one of which must go to the wall if popular sovereignty was to survive.

The conditions for some new form of vigorous action by the nation, and some outbreak of open hostility to any such measure, were then ripe in that midsummer of 1863.

Congress passed a bill, under the date of March 3, 1863, for enrolling and calling out the national forces.

President Lincoln had urged such legislation and in the middle of 1862 had announced that the proper action might eventually be necessary.

The official machinery was constituted as soon as practicable. A Provost Marshal General, in the person of James B. Fry, an army Major, was designated to have oversight of all the enrollment, while a local Provost Marshal was set over each congressional district. These latter officers were carefully selected, usually upon the recommendation of well-known citizens of repute in the several districts.

At the capital of each state an officer of the army, necessarily in most cases an officer of volunteers, was placed to superintend, as the State Provost Marshal General, the many details of the

draft; in some important states, as in New York, three instead of one such army officers were assigned to duty.

The Governors of the states were fully apprised of the time and manner of the official process of drawing names for the conscription; so that as far as any precautions could go, friction was anticipated and prevented.

Before the business began the battle of Gettysburg and the capture of Vicksburg had immensely cleared the atmosphere of doubt as to the outcome of the war. But news traveled very slowly then and the actual meaning of both victories had not filtered down into the minds of the populace of the large cities; so that an opinion still prevailed among the unintelligent, fanned by the malice of the political agitators, that the war was making no headway, and ought at once to be put to an end.

July 11 was assigned for the beginning of the draft in New York City. Nearly two weeks before that date, on June 29, Governor Seymour of New York received a letter which intimated that a serious plot was on foot to prevent the draft, and to make other demonstrations of hostility to the national plans. The Governor went to the city from Albany to make inquiries upon the subject, but, as he reported, found no trustworthy evidence of any evil disposition.

But where there is smoke there is fire; where rumor of riot begins to circulate there is reason to suspect that wickedness is being hatched.

Indeed, at a meeting early in July in the Twenty-second Ward of New York City, inflammatory speeches were made with regard to the approaching conscription, and the heads of the nation were characterized as despots and murderers.

There can be no reasonable doubt that an intense undercurrent of disloyalty to the national administration was circulating through the portions of the city where the vicious and lawless classes were most wont to congregate.

It seems an unhappy arrangement that the first day's draft fell upon Saturday; for it passed off tranquilly and, it may be, if carried on without opportunity for nursing any spirit of resentment, the malcontents would have made no demonstration. The intervention of Sunday gave free scope for drunken agitation and the maturing of organization for aggressive assaults upon the conscripting offices.

The Monday morning newspapers announced that the Irish laboring classes in Ward Twenty, where the draft was to take place

that day, were highly excited, and threatened resistance. In fact, early in the forenoon, some fifty ruffians constituted themselves into a rioters' recruiting force, entering into foundries and warehouses along the wharves, and forcing the men to stop work and join their band. This was on the east side, and on the west similar proceedings were going on. By ten o'clock the Provost Marshal's office on Third Avenue near Forty-seventh Street was entered by the mob, the small official force retreating by a back door, the books and papers destroyed and the building burned; although the retiring officers successfully carried away the conscription wheel.

Police Superintendent Kennedy, happening to be in the neighborhood of the fire, without his uniform, approached on foot to look into the matter, was recognized by the mob, and so brutally beaten that, running for his life to the nearest police station, he was battered almost to death, before rescue.

Police Commissioner Acton met the situation with promptness so far as his limited inadequate force of officers could be made available. He put that body of the mob just before him to rout, since they were armed only with miscellaneous sticks and stones, and summoned officers from the entire city to the police headquarters. Hardly had he done that than the rioters cut down the telegraph poles and severed communication between the different parts of the city.

A force of some fifty invalided soldiers were in the barraeks in Park Square, and when the mob appeared, fired shots over their heads, in that timid spirit with which riotous fellow citizens are apt to be met by volunteer troops. The mob took them at the value of their timidity, seized their guns, left two of the soldiers dead on the pavement and scattered the remnant in confusion. The ancient hatred of the negro by the Irishman made itself at once manifest. Wherever a black man showed his face he was pursued, and, if caught, hanged or beaten to death. The Colored Orphan Asylum on 5th avenue and 43d street was sacked and burned, its inmates barely escaping upon the approach of the destroyers.

From destroying conscription offices and burning negro houses the rioters took to looting the Broadway dry goods houses, and all the customary vermin of thieves and other criminals emerged from their slums to make havoc and load themselves with spoils.

Thus the fury raged for four days; the police doing yeoman work with their clubs, seldom resorting to shooting, and wherever a small band of these guardians of the peace came into collision with the mob, scattering them with broken heads.



The crisis at Gettysburg had taken away all the *elite* militia of which even in war time there was a respectable organization, notable among these the Seventh regiment. All these were still in Pennsylvania. In the forts of the harbor there were scanty companies of troops, one such composed of invalided volunteers made into a pretty efficient body of fighters by Adjutant McElrath of Fort Hamilton. As soon as these could be summoned to the city they appeared, McElrath's company bringing two small pieces of artillery, in whose use, however, they had been but little drilled, so that the guns served no purpose.

There was an ancient army officer, General Wool, in command of the department of the East, but he was feeble in mind and will, and gave little help to the suppression of the mob. Colonel Harvey Brown, another old artillery officer, commanded Fort Hamilton, and he, if his junior rank had allowed, could have taken matters into vigorous hand. But there was a third element of controversy concerning authority and the proper measures of action, in the person of one General Sanford of the State Militia, who seems to have done nothing except to inject his vanity into the prevention of any systematic use of the soldiers who were available.

Thus New York city was in a feverish tumult for four days, the riot dwindling into small fights with the police, before Sunday the 16th of July. By that time a new department head had been appointed, General Dix, of resolution and clearness of head; and the militia regiments were back.

Concerning that portion of the conscription which gave the regiments with which I was connected any share in the New York enforcement of the law I shall presently speak.

Meanwhile it will be interesting to learn how effectively the Boston authorities dealt with the local attempts at insurrection. As it chanced there were remaining in Boston certain picked bodies of militia, although they had contributed the larger number of their most capable officers to the regiments in active service for the war. There were also some good companies in the harbor forts, with a commander, Major Cabot, a volunteer officer, of decision and courage.

When then alarming reports of mob threatenings at the North end of the city, its region of the foreign residents of the poorer sorts, came to the ears of the city and state authorities (Boston I may remind you is the state Capital), the forces were in hand to deal with contingencies. The Cooper street armory, near the centre of agitation, contained the four ten pound field pieces of the local militia battery. In that armory as the mob began to swell were

gathered a number of troops under charge of Major Cabot. The quiet of the occupants, who showed no signs of their numbers or intentions, stirred the mob first to pelting the building with lesser missiles and then, with mounting audacity, to make an assault with large timbers upon the doors.

This seemed to demand retaliation and thereupon, the guns before the door sent their loads through the closed doors into the street, with a highly damaging effect upon the assailants, an unknown number of whom were killed and wounded and the rest of the several thousands scattered to their dens.

There was no interruption to the Boston draft, and in no other city of the state was there any outbreak.

But it may as well be recounted here that out of the 32,079 persons whose names were drawn from the wheels in Massachusetts, 22,343 were exempted, 3,044 failed to report, 3,623 paid commutation, and 3,068 only were sent to camp; a pitiful response to so serious a call to strengthen the hands of the national administration.

An after effect was that volunteering was considerably stimulated, mostly however under the discreditable methods of huge bounties, so that Massachusetts fulfilled its requirements of allotment of enlisted men.

It was determined to resume the New York draft in August, but this time nothing was to be left to chance in the possibility of any disturbance of lawful procedure.

Hence General Dix, the department Commander, asked Washington to send him troops of experience and valor for his garrison; and the following official response of General Meade, Commanding the army of the Potomac to the General in Chief, Halleek, indicates what was done to strengthen General Dix.

“Headquarters of the Army of the Potomac, August 16, 1863.

*“The following regiments will proceed to Alexandria today, under the Command of Brigadier General Thomas H. Rugers; viz; 2d Massachusetts, 3d Wisconsin, 27th Indiana, 5th Ohio, 7th Ohio, 29th Ohio, 66th Ohio, 4th Ohio, 14th Indiana, 5th Michigan, 126th Ohio.*

*“The aggregate strength of these regiments is about 3,800.*

*“The number of men detached and who have left are as follows: August 14, Regulars and Vermont Brigade, under General Ayers, 4,000. August 15th, regiments 1004. Making in all 9,200 men, which, when swollen by convalescents and men detached on*

*extra duty, who will be sent as soon as possible, will make the aggregate force fully up to, and over 10,000. I have sent you my best troops and some of my best officers.*

“George G. Meade, Major General Commanding.”

It will thus appear that not only was the riotous temper mischievous in delaying the reinforcement of the armies with whom the Summer time for campaigning was precious, but it subtracted from the battle front so considerable a body of tried troops that the Army of the Potomac, which had been none too energetic in its pursuit of Lee, was compelled to rest in its entrenchments, with only a show of activity. A consequence of this inactivity was that Lee despatched one of his finest corps, that of Longstreet, to the army under Bragg before Chattanooga, and helped that commander to inflict a damaging, almost fatal blow upon Rosecrans, at Chickamauga. And a sequence of this general paralysis of the Eastern army was that, upon our return from New York, several of our commands belonging to the Eleventh and Twelfth Corps, were sent to the beleaguered army of Chattanooga, and thereafter became a permanent element of the Armies of the Cumberland and of Georgia, in the campaigns of Atlanta and the March to the Sea.

The journey of some of us from the Rapidan river to New York was a highly agreeable vacation to men who had been bearing the heat and burden of the continuous campaigns for two years.

The general order of Meade was of course not known to the rank and file and the lesser officers, but something novel was felt to be on foot when we were told that we were to take cars at the nearest railroad station, and especially when word was passed along the lines that we were to make ourselves as presentable in appearance as was compatible with our limited wardrobes. A days ride in freight cars was not to be despised since it was an improvement upon the customary plodding through mud or dust; and when we reached Alexandria it was made plain to us what especial purpose had summoned us to the sea side.

The group of regiments to which my own, the Second Massachusetts, was temporarily joined, took passage at Alexandria in the steamer Merrimac, some fifteen hundred of us; the enlisted men bestowing themselves in the hold or on the decks, the officers taking the cabin. It was a measurably comfortable voyage of two days, albeit a good many of our number were unused to the experiences of those who go down to the sea in ships and do business in great waters, and suffered temporary qualms of mind and body.

In New York we were distributed at suitable strategic points, with, I judge, very little show of force; and so far as I know, with no calls for any other activity than some guard duty.

The group with which my regiment was associated were encamped in the area around the old time City Hall, near lower Broadway, the men in barracks, with cooked rations provided, the officers in wall tents.

The Astor House, of whilom excellent repute as a hostelry, was close by, and the proprietor, a friend of some of our Boston officers, gave us generous entertainment.

A Connecticut battery of dangerous aspect looked out from our Park towards the populous part of the city; and our men on guard, took their rest in the intervals of walking their beats, by stretching themselves upon the pavement in shady places, so that the curious passers by could study the temperaments of the men who had won Gettysburg and other bloody fields.

With all these precautions against further interference with the process of drawing the names of candidates for military service, the conscription went on peacefully to the end.

One afternoon, without forewarning, as if we were in the presence of the enemy, we were ordered to pack up and be off. Some of our men had invited their wives to come from home for a visit, and at the hour of the command to move were scattered over the city seeing the sights; and had considerable difficulty in reaching the steamer in the lower harbor.

At Alexandria on the return voyage, we were invited to resume our pedestrian habit, and march to the front, while the cars, as usual, were given up to the transportation of the material of war. The roads were dusty, the heat high, but we were soon broken in to the familiar discomforts of campaigning.

But we had cordial greeting from our old associates who had been left behind, who met us as kinsmen who were returning from a Summer excursion.

Our trip had taken from August 16 to September 9, and meanwhile all had been quiet with the army.

The entire numerical outcome of the national conscription was some 52,000 only. The war had to be muddled through by the old method of persuading volunteers to help save the country. It was a long and wasteful process, with many other dark and discouraging days for the patriotic watchers, before the collapse of the Confederacy, which with its limited resources, held out stoutly to the last

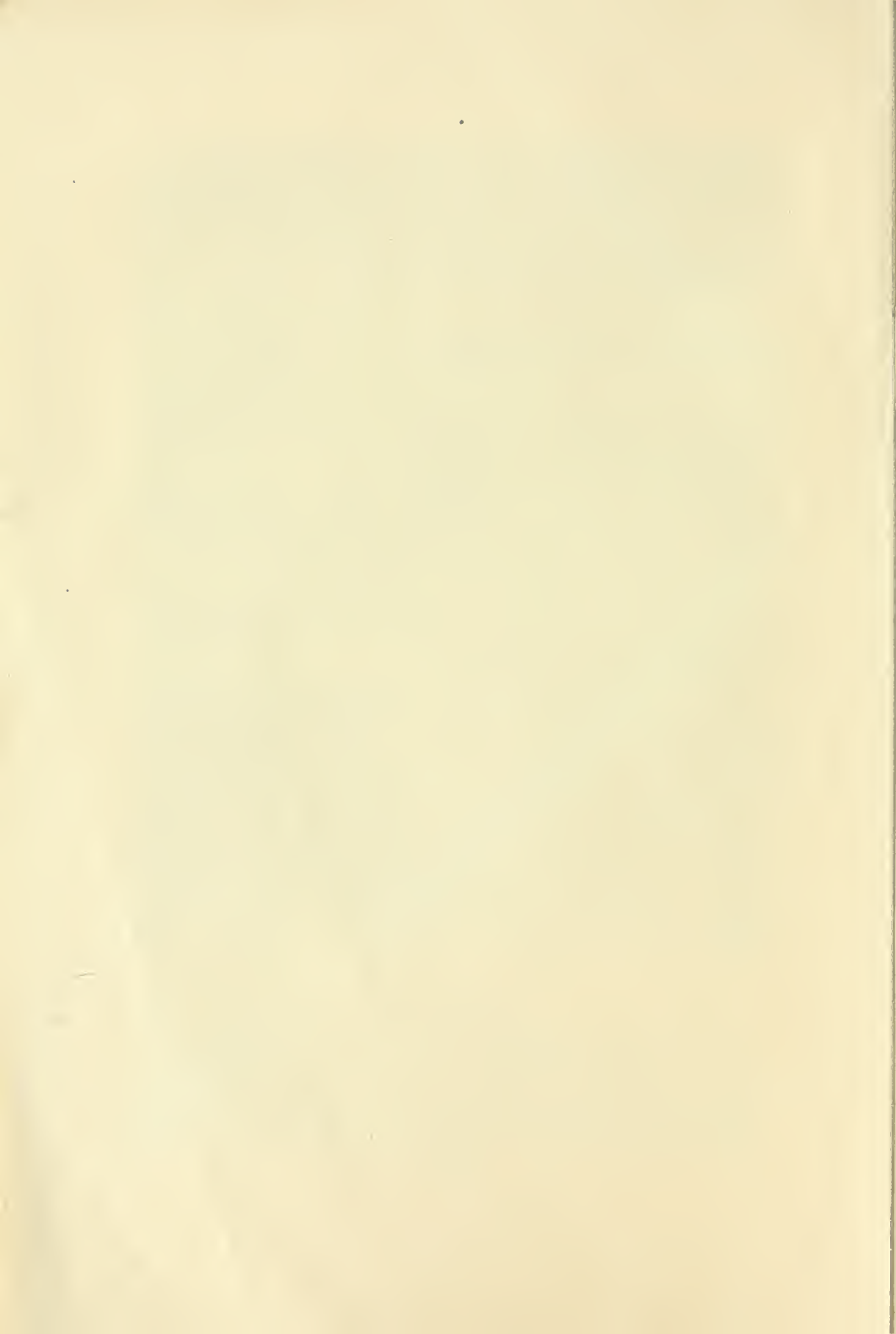
moment when resistance had any hope. And one secret of the tenacity of the Confederacy lay in its entire command of all its men, not to gently invite them, if agreeable, to come to its aid, but to sternly remind them, with the compulsion of the arm of law, that the nation had superior rights over their personal claim, to all that they possessed, or property, comfort or life.

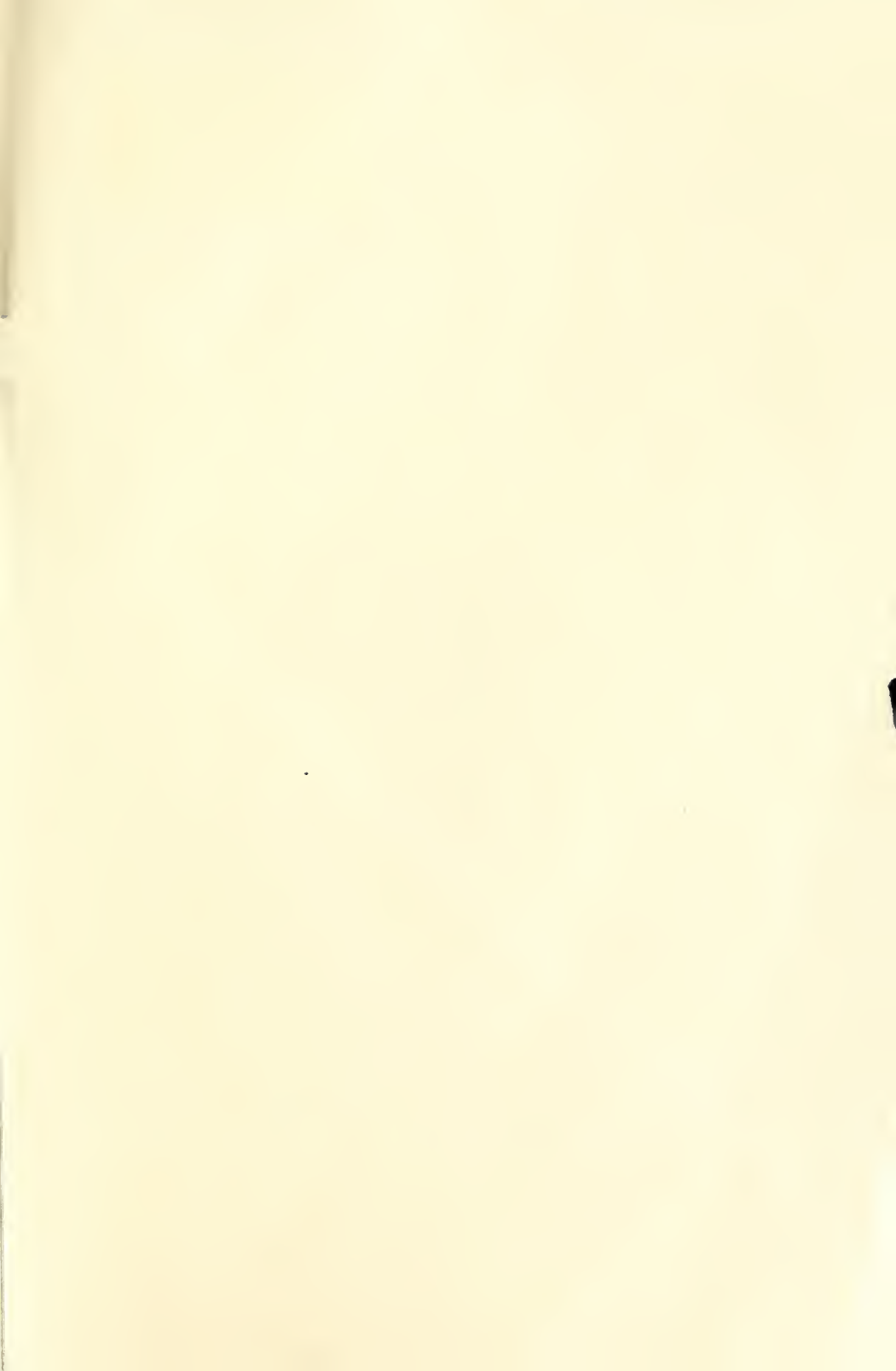
How absolute this exercise of the supreme authority of the state is shown by the figures of enrolment in the various armed forces of the Confederacy as compared with the citizens liable to military service. Out of 1,270,000 of such available soldiers, 1,239,000 were borne upon the rolls; that is, substantially every white man between the ages of seventeen and fifty. The Provost Marshals were thorough and pitiless in their sweep of every one who came within the requirements of the law.

General Lee wrote to the Richmond authorities in November, 1863: "Unless every man who belongs to the army be retained, and all fit for active service be sent to it promptly, we must rely for deliverance from our enemies upon other means than our arms."

And again he wrote; "The men at home on various pretexts must be brought out and put in the army at once. I know it will produce suffering, but that must be endured, as all people engaged in a struggle like ours have done before."

On the other hand, the eligible arms bearing men in the Northern States were 6,000,000, of whom less than 3,000,000 were in the different branches and terms of the war service, on land and sea. The Confederacy armed 98 percent of its men; the Union secured 50 percent, only. Repugnant to our traditions as the enforced enrolment of citizens for the prosecution of any war, offensive or defensive, has always been, the obvious lesson of that protracted and wasteful four years is that in every national crisis the interest of humanity as well as of economy demands that the whole body of freemen, not disabled by age or other infirmity, shall be required to bear an active part in the maintenance of the integrity of the Union.





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